

Hoover Bugged Black's Suite, High Court Told

By Richard Harwood
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Solicitor General Thurgood Marshall told the Supreme Court yesterday that FBI Director J. Edgar Hoover was responsible for "bugging" the Washington hotel suite of Fred B. Black in 1963.

He implied—and Justice Department spokesmen confirmed—that Hoover has been using electronic eavesdropping devices for "intelligence" purposes for a number of years in cases not involving the national security.

They were installed at Hoover's discretion under vague oral and written authorization from various Attorneys General dating back to a "period of years prior to 1963."

This authorization, Marshall revealed for the first time, extended beyond "national security" cases to include "organized crime." The specific nature of the authorization to Hoover was not explained by Marshall nor did he say whether Sen. Robert Kennedy, who was Attorney General in 1963, had personally given Hoover a go-ahead on eavesdropping.

Since last July, Marshall said, Hoover has been forbidden under a Presidential directive from any type of

eavesdropping except in national security cases specifically authorized by the Attorney General.

The Solicitor General's revelations about the FBI's eavesdropping activities were contained in a memorandum demanded by the Supreme Court on June 13.

The Court at that time directed Marshall to give a complete explanation of the Black bugging case, including the names of the officials responsible and the authority under which they acted.

Black, a business consultant to defense contractors and a business associate of former Senate Majority Secretary Robert G. (Bobby) Baker, was convicted of income tax evasion in 1964. In his appeal for a new trial, he claimed that he had been illegally bugged. On May 24, the Government admitted the charge in an extraordinary confession to the Supreme Court.

The Court then demanded an explanation and Marshall complied yesterday.

Acting on Hoover's orders, the Solicitor General said, FBI agents on the afternoon of

See BUG, A14, Col. 3

BUG—From Page A1

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Feb. 7, 1963, entered a room at the Sheraton-Carlton Hotel that adjoined Black's suite. They drilled a hole through the wall and installed a tubular microphone in the baseboard of Black's suite.

The following afternoon the agents began eavesdropping on all conversations that took place in the suite. They con-

tinued monitoring until April 25, 1963.

A Justice Department spokesman said the bug was not connected to a telephone line and that the monitoring was not done at FBI headquarters. Instead, he suggested, the agents operated in the room adjoining Black's suite.

Tapes Destroyed

While eavesdropping, the Solicitor General told the Court, the agents kept a running summary of the conversations in the Black suite. Some conversations were recorded but the tapes have all been

destroyed, Marshall said.

The logs kept by the agents were submitted to "their superiors in the Federal Bureau of Investigation" and were incorporated into two reports and two memorandums dealing with "anti-racketeering."

Black was being investigated, Marshall said, for his "possible affiliation with organized criminal activity in the United States." But, Marshall added, "recital of these facts is not intended to suggest that any wrongdoing on the part of petitioner was uncovered by the monitoring."

The two "anti-racketeering" reports that were partially based on information from the Black bug were submitted to lawyers in the Criminal Division of the Justice Department in April and July, 1963. The two memorandums on the same subject were sent to Attorney General Robert Kennedy in April, 1963.

Lawyers Not Informed

Neither the lawyers in the Criminal Division nor the Attorney General were informed that any of the information regarding Black had been obtained through eavesdropping, according to Marshall's memorandum.

Nor was any of the material used in the preparation of the tax case against Black, Marshall said, adding:

"The Tax Division attorneys found nothing in the FBI reports or memorandum which they considered relevant to the tax evasion case."

In the months the FBI was eavesdropping on various gamblers and casinos in Las Vegas to gather intelligence about a "skimming" operation under which millions of dollars from the Las Vegas gaming tables supposedly escaped taxation.

Whether Black was a target of that investigation is unknown but he was associating at that time with Baker, who had connections in Las Vegas.

Baker's Conversations

The Justice Department refused to say yesterday whether any of Baker's conversations with Black had been monitored in the hotel suite.

But this question is certain to be raised in connection with Baker's legal difficulties with the Government. He is under indictment for theft and income tax evasion and has asked the Federal courts to suppress certain evidence in his case on grounds that it was illegally obtained through

eavesdropping.

Black is awaiting a Supreme Court decision, but the Court will not only consider the bugging incident but the nature of the bugging.

Among the conversations overheard by the FBI were some between Black and his attorneys, according to Marshall's admissions.

Katzenbach Notified

In late August, 1965, Marshall said, the FBI first informed the Attorney General and other Justice Department lawyers that Black had been bugged. The information was supplied to Attorney General Nicholas Katzenbach in response to "an inquiry on an unrelated matter."

The Justice Department spokesman declined yesterday to say whether this "unrelated matter" involved the Bobby Baker case.